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In re Application of
Shimizu et al.
Application No. 10/820,831
Filed: April 9, 2004
Attorney Docket No. 104205.02

DECISION ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment – Notice of Allowance Not Received," filed April 7, 2006.

On October 14, 2004, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned on January 15, 2005. A Notice of Abandonment was mailed on February 27, 2006.

In the petition, applicant asserted that the practitioner did not receive the Notice of Allowance. Specifically, the practitioner asserted that based on a review of the information contained in the PAIR Database for this application, the Notice of Allowance was returned to the USPTO as undeliverable on October 22, 2004. In support of this assertion, the practitioner submitted a copy of the computerized docket record where the non-received Notice of Allowance would have been entered had it been received and docketed, as well as a copy of the information contained in the PAIR Database for this application showing the Notice of Allowance was returned as undeliverable on October 22, 2004. The practitioner stated that he reviewed the file jacket for this application, which confirmed that he did not receive the Notice of Allowance. Furthermore, the practitioner noted that the correct correspondence address was indicated on the Notice of Allowance.

A review of the record indicates that the USPTO mailed the Notice of Allowance to the correct correspondence address; however, it was inexplicably returned to the USPTO. For this reason, the practitioner did not receive the Notice of Allowance of October 14, 2004.

The petition to withdraw the holding of abandonment is **granted**. The Notice of Abandonment was mailed in error and is hereby withdrawn. The application is restored to pending status. As the practitioner did not receive the original Notice of Allowance of October 14, 2004, **Technology Center Art Unit 2861 shall re-mail the Notice of Allowance and restart the period for response.**

This matter is being referred to Technology Center Art Unit 2861 for further action consistent with this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Any other questions regarding the status of the application or the examination process should be directed to the Technology Center.

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